

CA20N  
DE700  
- AS6

Government  
Publications

# EDUCATION RELATIONS COMMISSION

3 1761 11890375 6

*Annual Report*

*1990-91*



Ontario



## **Education Relations Commission**

---

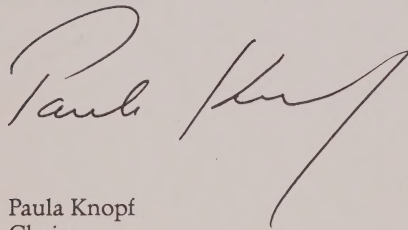
111 Avenue Road  
Suite 400  
Toronto, Ontario  
M5R 3J8

Telephone (416) 922-7679  
Fax (416) 325-4134

The Members of the Legislative Assembly  
Province of Ontario

Dear Members:

I have the honour to present the sixteenth annual report of the Education Relations Commission, which covers the period from September 1, 1990, to August 31, 1991.



Paula Knopf  
Chair  
Education Relations Commission

August 31, 1991







---

# Contents

---

1. The Commission and the Parties .....	1
2. Overview of the Year's Negotiations .....	4
3. Staff Activities .....	6
4. The Negotiation Process Under the Act .....	14
5. A Brief History of Teacher/School Board Bargaining in Ontario .....	19
6. Appendices .....	23
A. Statistical Tables .....	24
B. Statement of Expenditures .....	33
C. Biographies of Commission Members .....	34



Digitized by the Internet Archive  
in 2024 with funding from  
University of Toronto

<https://archive.org/details/31761118903756>

# 1. The Commission and the Parties

## Establishment of the Commission

The Education Relations Commission (ERC) was established in 1975 under section 59 of the School Boards and Teachers Collective Negotiations Act, R.S.O., Chapter 464. The commission is composed of five members appointed by the Lieutenant Governor-in-Council. Each member is eligible for reappointment when his or her term of appointment expires, which is usually after three years.

## Purpose of the Act

The purpose of the act is "the furthering of harmonious relations between boards and teachers by providing for the making and renewing of agreements and by providing for the relations between boards and teachers in respect of agreements" (section 2). The commission has, therefore, made it its mission to facilitate the development of harmonious relations and provide the necessary assistance to school boards and teachers in their negotiations pertaining to the making or renewing of collective agreements.

## Duties of the Commission

The duties of the commission are set out in subsection 60(1) of the act. It is the duty of the Commission:

- (a) to carry out the duties imposed on it by this Act and such other functions as may, in the opinion of the Commission, be necessary to carry out the intent and purpose of this Act;
- (b) to maintain an awareness of negotiations between teachers and boards;
- (c) to compile statistical information on the supply, distribution, professional activities and salaries of teachers;
- (d) to provide such assistance to parties as may facilitate the making or renewing of agreements;
- (e) to select and, where necessary, to train persons who may act as mediators, fact finders, arbitrators or selectors;
- (f) to determine, at the request of either party or in the exercise of its discretion, whether or not either of the parties is or was negotiating in good faith and making every reasonable effort to make or renew an agreement;
- (g) to determine the manner of conducting and to supervise votes by secret ballot pursuant to this Act; and
- (h) to advise the Lieutenant Governor-in-Council when, in the opinion of the Commission, the continuance of a strike, lock-out or closing of a school or schools will place in jeopardy the successful completion of courses of study by the students affected by the strike, lock-out or closing of the school or schools.

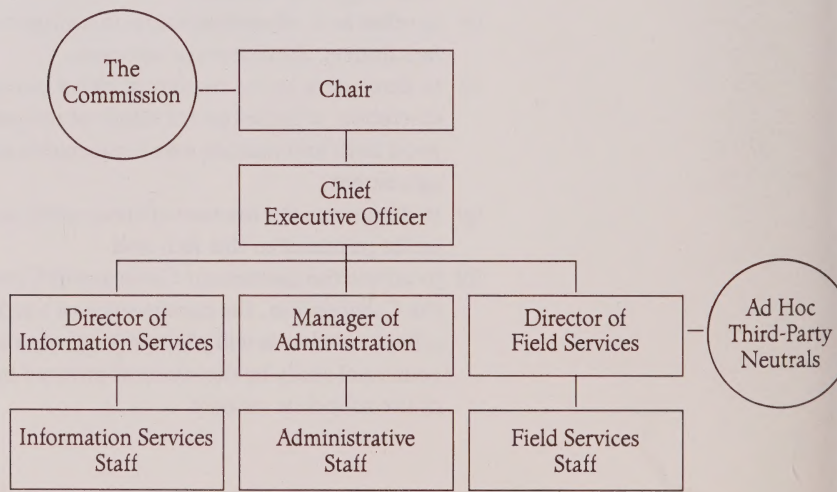


**Organizational Structure  
of the Commission**

As noted, the commission is composed of five members. Ms. Paula Knopf was appointed Chair on February 1, 1991, to replace Ms. Katherine Swinton who had decided that her teaching and writing obligation at the University of Toronto should take priority. Mr. David Allan Hayes was appointed Vice-Chair on May 11, 1988. Mrs. Trèva Legault Cousineau was appointed commissioner on May 11, 1988. Messrs. John McNeil and John Zeiler were reappointed on March 6, 1989. (A biographical sketch of each commissioner is provided in Appendix C.)

The commission has a permanent seventeen-member staff. In order to oversee bargaining in the more than 278 sets of negotiations that fall under its jurisdiction, the commission must supplement permanent staff with external human resources. The commission utilizes a cadre of more than 70 individuals appointed on a short-term basis as third-party neutrals. This arrangement has allowed the commission to have access to some of the most able third parties in the province. All appointments and all major decisions and determinations are made by the commission; however, the day-to-day operations of the commission are managed by the chief executive officer. The operations of the ERC are divided into two major functions – Field Services and Information Services. (An organizational chart is provided in figure 1.) Briefly, the role of Field Services is to monitor negotiation activity at the local level, whereas that of Information Services is to provide data to all parties involved in negotiation.

**Figure 1: Organizational Chart for the Education Relations Commission**





## Parties in the Negotiations

The parties involved in negotiations are the 2000 trustees and 115 000 teachers who represent and work in the approximately 170 school boards in the province. These school boards have 278 collective agreements with the branch affiliates representing local teachers. (A branch affiliate, comparable to a local union, is composed of all the teachers employed by a board who are members of one of the provincial teachers' federations or associations.)

In general terms, there are four kinds of school boards. First, there are seventy-six non-denominational public boards of education, each divided into an elementary and a secondary panel. Second, there are forty-nine Roman Catholic separate school (RCSS) boards, forty of which operate both elementary and secondary schools and nine of which operate only elementary schools. Third, there are two French-language boards – a public board in Metropolitan Toronto and the Ottawa-Carleton board. The latter has a public and a Roman Catholic section. Fourth, there is a broad grouping of other boards, including public district school area boards, some isolate RCSS boards, and school boards on Canadian Forces bases and in children's treatment centres. The school boards in this last group exist to serve students in isolated or remote areas and students who live on Crown land.

Teachers have a central organization to which the various federations belong. The parent body is the Ontario Teachers' Federation (OTF), an organization composed of representatives from the Federation of Women Teachers' Associations of Ontario (FWTAO), the Ontario Public School Teachers' Federation (OPSTF), the Ontario Secondary School Teachers' Federation (OSSTF), the Ontario English Catholic Teachers' Association (OECTA), and l'Association des enseignantes et enseignants franco-ontariens (AEEFO). Bargaining rights reside with the branch affiliates of these bodies.

There are four trustee organizations: the Ontario Public School Boards' Association (OPSBA), which was formed by an amalgamation of the three former public school board associations; the Ontario Separate School Trustees' Association (OSSTA); l'Association française des conseils scolaires de l'Ontario (AFCSO); and l'Association franco-ontarienne des conseils des écoles catholiques (AFOCEC). The Ontario School Trustees' Council (OSTC) is now an umbrella organization of the OSSTA and the AFCSO.

## 2. Overview of the Year's Negotiations

The negotiation process between school boards and branch affiliates of teachers in 1990-91 continued in good health. Sixty-one per cent of agreements were negotiated by the parties themselves without any third-party assistance or intervention, a marked improvement over 1989-90, when only 28 per cent of agreements were negotiated in this manner.

In 1990-91, 167 agreements were subject to negotiation, compared with 166 in the previous year. As well, 286 collective agreements were in effect, compared with 278 the previous year, reflecting the gradual increase in the number of bargaining units that occurred as secondary school teacher branch affiliates in Roman Catholic school boards and French-language teacher units established their identities separately from the groups with whom they had previously negotiated jointly.

If negotiations are deemed to have commenced on March 1, 1990, on average it took 7.3 months for agreements to be reached, a slight decrease from the previous year's average. While that time frame may seem long, when one considers that most meetings in March are formalities to consider ground rules, that in most situations serious bargaining begins only in April (and, in some, not until June!), and that very few areas bargain in July and August, 7.3 months is not really very long. In reality, agreements were reached after about 4.3 months of bargaining, discounting March, July, and August. That period of time is not far off that for negotiating an agreement under the Labour Relations Act in the private sector and is shorter than that required for other public-sector bargaining. It is only the very early date for notice to commence bargaining, the late start in real negotiations, and the summer hiatus which create a different impression.

In 1989-90, it took, on average, 7.7 months from the March 1 commencement date to conclude agreements, but it should be noted that the average in the late 1980s was in the area of 6.5 months. This comparison does suggest that negotiations have been more prolonged in 1989-90 and 1990-91, and therefore more difficult, even though a majority of them were concluded by the parties themselves.

In 1990-91, the major issues at the table were similar to those of the previous year: salaries and allowances, staffing provisions and working conditions, maternity leave and parental leave, and retirement gratuity/deferred compensation provisions, the last-named being a particularly contentious issue.



There were four strikes during the year, resulting in a loss of instructional time (see table 10 in Appendix A).

To provide assistance to the parties, the commission appointed 58 fact finders and 52 mediators. While the number of mediators was comparable to that of the previous year (49 in 1989-90), the commission noted a marked increase in the time used in mediation, to the point where it was necessary to request a supplementary allocation for its budget.

It appears that the pressures on the parties, particularly those related to economic issues, continued at much the same level in 1990-91 as in the previous year. Boards and teachers moved carefully in negotiations to avoid becoming pattern setters, and the anxiety related to GST-induced inflationary effects kept teachers' demands relatively high.

Given the pressures on the parties, the difficulties of negotiating settlements is understandable. School boards and the branch affiliates of teachers they employ did reach agreements without unusual disruption. The commission believes, therefore, that the negotiation process under the School Boards and Teachers Collective Negotiations Act is working well.



### 3. Staff Activities

#### Field Services

Field Services staff are involved in a number of commission tasks. These include monitoring negotiations; selecting, training, and evaluating third parties; administering quasi-judicial matters; and offering preventive-mediation programs.

#### Monitoring of Negotiations

The commission stays informed about negotiations between teachers and school boards through its Field Services staff. The director of Field Services and two Field Services officers are responsible for monitoring the negotiations in all jurisdictions in the province. Regular contact, by telephone and through on-site visits, enable the Field Services officer to gain an understanding of emerging issues in negotiations, to get to know the parties, and to become thoroughly familiar with important developments at the local level. In turn, the parties become better acquainted with the commission's representatives and more knowledgeable about the School Boards and Teachers Collective Negotiations Act and the commission's policies, procedures, and resources.

Maintaining an intimate awareness of negotiations between branch affiliates and school boards is particularly advantageous when appointments of third-party neutrals become necessary. The commission has been able to rely on the firsthand information and advice of its Field Services staff (when making judgements regarding the appropriateness and timing of an appointment and choosing the third party for a given jurisdiction).

Field Services staff analyse all upcoming sets of negotiations early in the negotiation year, assessing the degree of difficulty and identifying issues which could be potential stumbling-blocks to settlement. Such analyses include recommendations regarding the style, timing, and type of third-party assistance appropriate to each situation.

In addition to the monitoring of negotiations and third-party appointment processes, Field Services staff are intensively involved in selecting, training, and evaluating third parties; administering quasi-judicial matters; and undertaking preventive-mediation programs.

#### Selection and Training of Third Parties

Clause 60(1)(e) of the act directs the commission "to select and, where necessary, to train persons who may act as mediators, fact finders, arbitrators or selectors." The commission selects and appoints persons from a list of qualified fact finders and mediators to assist in collective negotiations as required. The roster includes

men and women from a variety of occupations, including labour/management arbitrators, labour lawyers, academics, and former educational administrators and teachers. The commission continues to recruit a number of third parties who are bilingual.

On April 18-19, 1991, twenty-five participants attended a training workshop for potential fact finders in Toronto. Field Services and Information Services staff conducted sessions on the role and function of the commission, the negotiation process, and the availability of information resources. Two experienced fact finders, Rick Jackson and David Whitehead, led the participants through the fact-finding process, from familiarization with the legislative framework to preparation of the report. At the conclusion of the workshop, the participants were assigned the writing of a fact-finding report based upon an actual bargaining situation.

On June 13-14, 1991, the commission hosted a mediation training session for twenty third parties interested in becoming mediators. This workshop was conducted by Dr. William Marcotte, an experienced and respected mediator and arbitrator. Dr. Marcotte combined the lecture format with simulation exercises. His presentation covered the essential elements of mediation, the nature and psychology of conflict, the process of mediation, and the role of the mediator.

In order to keep our third parties up-to-date on negotiating developments, the commission forwarded a detailed review of events in the 1990-91 negotiation year and an overview of the upcoming bargaining scene for 1991-92 to all of its third parties.

During July, staff undertook another training session, with a small group of bilingual potential third parties in Ottawa. This session was part of an ongoing effort to have sufficient numbers of qualified persons available to serve the growing number of negotiations conducted in French.

### **Administration of Quasi-judicial Matters**

Field Services staff are involved in three quasi-judicial areas: appointment of returning officers when branch affiliates request commission-supervised votes, investigation of complaints alleging the failure of a party to negotiate in good faith, and appointment of grievance arbitrators.

#### **Commission-supervised Votes**

Following the public release of a fact finder's report, a branch affiliate may request that the commission supervise a vote by its members on the last offer received from the school board and/or on the favourability towards a strike. Also, when an agreement has been reached following a strike, the teachers are required to conduct a commission-supervised vote on the acceptability of the terms of agreement.

Field Services staff arrange for qualified people throughout the province to act as returning officers for these votes. During the 1990-91 reporting year, forty votes were conducted in nineteen jurisdictions.

#### **Complaints Related to Good Faith Bargaining**

The commission has established a procedure for dealing with complaints that bargaining has not been in good faith. The procedure provides that, prior to a formal hearing, an informal effort by the commission staff be undertaken to investigate and resolve the complaint. A Field Services officer will meet with the parties to attempt to find a solution.

#### **Appointment of Grievance Arbitrators**

Occasionally, the commission is approached to appoint either a single arbitrator or the chair of a board of arbitration. The request to appoint may arise for one of two reasons: (1) the parties have negotiated in their collective agreement that, if they are unable to agree, they will turn to the commission, or (2) the parties agree, where no collective agreement provision exists, to ask that the commission assist by making an appointment.

In carrying out this function, the commission always tries to appoint arbitrators who will be able to offer hearing dates to the parties within three or four weeks. Field Services staff will recommend a person for this appointment from the commission's list of approved arbitrators.

#### **Preventive Mediation**

Preventive-mediation programs are administered by the Field Services staff. Their main purpose is to assist the parties in reducing, if not eliminating, the obstacles that prevent resolution of matters of mutual concern. In addition, preventive mediation attempts to equip the parties to conduct their negotiations in a more effective and efficient manner within the existing structure of collective bargaining. It must be stressed that preventive-mediation activities are not designed to change the present structure of collective bargaining; they are designed to enhance it and to make it work for the benefit of both parties. In contrast to conventional mediation, preventive mediation is conducted outside negotiations, and only after both parties in a jurisdiction request ERC involvement.

The two dimensions of the preventive-mediation program are relationships by objectives and grievance mediation.



### **Relationship by Objectives**

The relationship by objectives (RBO) program involves completion, by two numerically equal groups of teachers and trustees/administrators, of the following six steps:

1. identification, by each side, of the issues that need to be resolved
2. explanation, by each side to the other, of the issues and its position on them
3. agreement on a list of objectives concerning the issues
4. creation of action steps to meet these objectives
5. acceptance and/or tailoring of these action steps by the two sides separately
6. joint acceptance of action steps, assignment of responsibility, and setting of time lines

The program is conducted only when there has been a joint request from the parties. It is conducted when negotiations are not in progress and at a site other than the normal workplace. Completion of the six steps takes about two days.

The purpose of the RBO activity is to help the parties to: re-establish open and frank discussions on matters of joint concern, gain an appreciation of each other's point of view, and approach each other with trust and respect.

In the 1990-91 school year, the Essex County Roman Catholic School Board and its secondary teachers participated in an RBO program, and follow-up activities were held with the Leeds and Grenville County Board of Education and its secondary teachers, and the Elgin County Roman Catholic School Board and its teachers.

### **Grievance Mediation**

The grievance-mediation program is designed to assist the parties in resolving differences arising from the interpretation, application, administration, or alleged contravention of the collective agreement. Following a joint request from the parties, a mediator is assigned to resolve the dispute prior to its proceeding to arbitration. If the matter is not resolved, the option of arbitration has not been precluded. Grievance mediation offers a number of advantages over arbitration, including greater speed and lower cost.

### **Other Activities**

Liaison activities continued during the 1990-91 reporting year between ERC Field Services staff and various provincial teachers' and trustees' organizations. These activities facilitated a continuing dialogue about the collective bargaining process and its perceived shortcomings. Interaction continued with a variety of governmental bodies as well, particularly the Ministry of Labour.

Plans were implemented to have a training/instructional video made concerning the fact-finding process. The video will be based upon a study of this process undertaken by Professor Richard Jackson of Queen's University; a copy of his report had been forwarded previously to all school boards and teacher groups in the province.

Several reports were prepared that addressed a number of issues in which the commission is involved: an evaluation of relationship-by-objectives workshops, an analysis and case-by-case summary of good-faith-bargaining determinations rendered, and a review of the commission's advisements regarding jeopardy in the successful completion of courses of study during a strike or lockout and other determinations. It is expected that these reports will be made available for distribution to those interested.

A major undertaking was the review and modification of the commission's *Policies, Procedures and Forms Manual*, last altered in June 1988. While few substantive changes were introduced, many of the policies were refined and clarified. Several new forms were developed to assist the parties in requesting grievance mediators or arbitrators. The format of the manual was also extensively revised in an attempt to make the document easier to read and use. Informational packages provided to Returning Officers and Supervisors in connection with their roles in supervised votes were also revised to conform with the alterations made to the manual.

---

## Information Services

Information Services staff are responsible for the development and management of Ontario teacher/school board collective bargaining information. Information support services are delivered to a diverse client group: local negotiators, provincial teacher and trustee organizations, fact finders, mediators and arbitrators, advocates, Ontario government ministries, labour practitioners outside the bargaining sector, the commission and senior staff, and the general public. The orientation of Information Services is towards meeting, and even anticipating, clients' needs. Improving service efficiency and effectiveness is a basic objective.

During the reporting year, a number of activities and initiatives were undertaken to improve both information management and service delivery.

## Data Collection/Statistical Analysis

School boards and their elementary teachers had begun to implement pay equity plans by the end of the reporting year. The parties were contacted for copies of the plans, and appropriate retroactive adjustments to existing salary grids were made in the commission's

database. New programs were written to analyse the effects of pay equity on salary grids since 1989-90, the first year of implementation.

### **Client Evaluation/Needs Assessment Survey**

Information Services conducted a mail survey of local and provincial teacher and trustee groups in November 1990 to assess the awareness, use, and usefulness of its information and services. Of the 654 questionnaires mailed, 521 were returned, an exceptional response rate of 80 per cent.

The overall findings were as follows:

*Awareness* was high: over 80 per cent of respondents reported that they were aware of the commission's information and services. However, a more detailed analysis showed variations in the degrees of awareness. Those who had been in direct contact with commission staff (just under 50 per cent) were more aware of the scope and variety of data and services than were those who received their information *only* through provincial organizations (approximately one-third of respondents.)

Board respondents were more aware of the commission's services than were teacher representatives: there is more frequent turnover among teacher bargaining representatives, teachers rely more heavily on their provincial organizations for collective bargaining information support than do school boards, and commission staff are in more regular contact with school board personnel during the year, collecting data.

Because Information Services was not able to provide information and services in French until recently, French-language respondents were less aware of the types of information and services available than were English-language respondents.

*Use* was made of ERC data by almost two-thirds of respondents. A majority of persons surveyed indicated that they use ERC data often or several times during all phases of bargaining. Information was most frequently used during preparation for negotiations (73 per cent of respondents), the early stages of bargaining (62 per cent), and fact finding (61 per cent). Information was less frequently used during mediation (40 per cent), the final stages of bargaining (36 per cent), and contract administration (13 per cent).

Not surprisingly, experienced bargainers used the information more frequently than did inexperienced bargainers.

*Usefulness* of the information and services was evaluated positively. On a five-point scale (1: very negative to 5: very positive), accuracy of data was assessed at 4.6, usefulness of data at 4.6, and currency



of data at 4.1. Clarity of reports was assessed at 4.2 and level of documentation at 4.0. Service was rated at 4.5 for promptness, 4.5 for staff helpfulness, and 4.6 for staff knowledgeable.

Respondents were asked to rank their preferences from a list of possible *future enhancements*, which included research publications, an expanded database, other bargaining-sector information, a newsletter, computerized text retrieval, and user workshops. Although research publications were ranked highest, followed by an expanded database and a newsletter, the rank averages were close enough for one to conclude that all enhancements would be welcome.

Many respondents took the opportunity to write in comments about the information and services. Although comments were generally very supportive, a number of constructive criticisms and helpful suggestions for improvement were offered. Concerns were expressed about the lack of awareness of the scope of services, not knowing what to ask for, lack of in-depth analysis of some issues such as working conditions, and out-of-date data.

In response to the survey results and other contacts with its clients, Information Services has set in motion a number of new initiatives to attempt to meet the concerns expressed.

The first issue of a revived *Overview* newsletter is scheduled for automatic distribution to local and provincial teacher and school board representatives early in the next reporting year, which, it is hoped, will offset some of the concerns regarding lack of awareness of services available. Similarly, the commission's Monograph series will be revived in the fall of 1991 in an effort to address some of the concerns regarding the need for in-depth analyses of collective bargaining events and issues. Monograph issues will be announced in the newsletter.

A staff vacancy during the reporting period has permitted a reorganization of staff to provide the addition of a bilingual Research Officer. The competition was initiated in June of the reporting year, and it is expected that the successful applicant will be on staff early in the next reporting year.

Finally, a bulletin board has been added to the commission's direct-access system. Salary settlements are reported on the bulletin board as soon as they are ratified by the parties, and CPI statistics are updated on the day of release by Statistics Canada.

Information Services staff are committed to continuing to improve information and services. Future enhancements will be announced as a regular feature of the newsletter.

## Information Requests

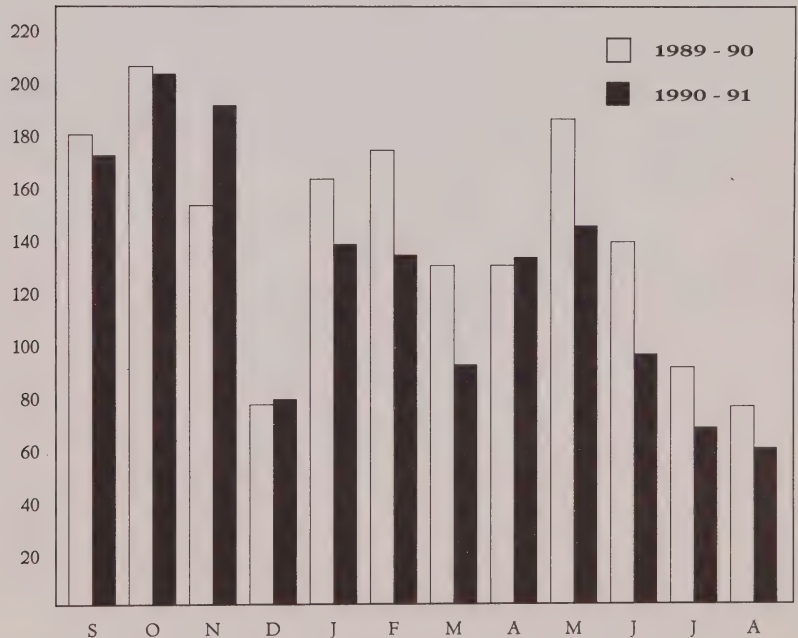
A total of 1497 information requests were filled by Information Services staff during the reporting year, 200 fewer than in 1989-90. More than 50 per cent of the decline was in the "Other clients" group. (See table 16 in Appendix A.)

The monthly pattern of requests reflected the distinct phases of bargaining through the year: the development of initial bargaining positions in January and February; active negotiations before the end of the school year; the negotiations hiatus during the summer months; and the resumption of bargaining with third-party assistance between September and November (see figure 2).

Over 40 per cent of requests included customized statistical analyses, and 25 per cent involved agreement and grievance-award language searches. Seventeen new online user accounts were established.

Request response times were maintained at a high level. Ninety-four per cent of requests were responded to either the same day (82 per cent) or the following day (12 per cent).

**Figure 2: Information Requests by Month, 1989-90 and 1990-91**



## 4. The Negotiation Process Under the Act

**Term of Collective Agreements** Collective agreements between a school board and the branch affiliate representing the teachers who are members of the provincial teachers' organization, and who are employed by the board, have a term from September 1 to August 31, under the School Boards and Teachers Collective Negotiations Act. The agreements may be for more than one year. Usually more than half the agreements made in a year are for a two-year term.

**The Negotiation Time Line** If there are to be negotiations to make or renew a collective agreement, one of the parties is to give its intent to negotiate to the other party (and to the commission) in January of the year in which the existing agreement expires.

Negotiations between the parties typically occur from January to August, without intervention from the ERC, but if a settlement has not been reached by August 31, a fact finder must be appointed by the commission. The commission may appoint a mediator to assist the parties at any stage in the negotiations.

Mediation and fact finding may occur prior to August 31, if the parties have negotiated and are at an impasse. If a fact finder is appointed, he or she has thirty days to hold a hearing with the parties and file a written report with the commission and the parties. The report remains confidential for fifteen days; if no settlement is reached during that period, the report is released to the public. The teachers are then in a position to request commission-supervised votes on acceptance or rejection of the school board's last offer and on the strike option.

The sequence of events is represented schematically in figure 3.

### Fact Finding

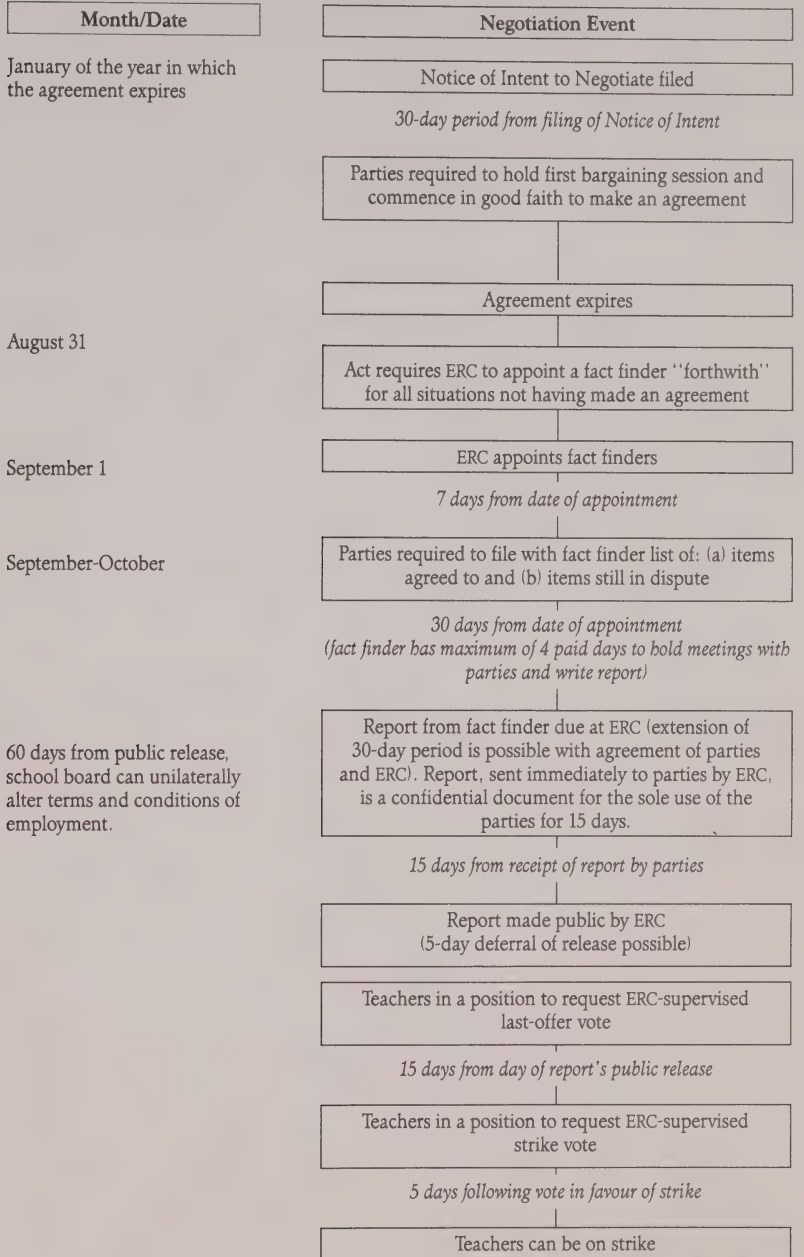
Fact finding affords an opportunity for the negotiating parties to clarify and narrow the differences between their positions on various issues, so that they will be able to reach a settlement when the collective agreement expires. As noted, the process becomes mandatory after August 31 (the contract expiry date in all teacher/school board collective agreements). Further, such a procedure is necessary under the act before teachers can take strike action or before a school board can initiate a lockout. The fact-finding process also recognizes the public's right to know the substantive, procedural, and attitudinal issues in a dispute before the normal school program is interrupted.



**Figure 3: The Negotiation Framework Under the School Boards and Teachers Collective Negotiations Act**

During the period January to August 31, ERC is not required by the act to provide any form of third-party assistance (e.g., fact-finder, mediator). However, ERC may appoint a third party upon the request of one or both parties to negotiations or at its discretion.

Mediator can be appointed by ERC at any time.



*Note: At any point, parties can jointly agree to resolve matters through either voluntary binding arbitration or final-offer selection.*

The commission may appoint a fact finder at any time during negotiations, either upon the request of one or both parties or upon the commission's deeming that the negotiations have reached an impasse and would benefit from such assistance. The fact finder, a third-party neutral, investigates the particular local situation and then files a written report with the commission. Under the act, the fact finder has thirty days to meet with the parties, examine their written submissions, listen to oral arguments, write the report, and submit the report to the commission. The commission, in turn, delivers the report to the parties. The parties then have fifteen days in which to continue negotiations, using the fact-finding report to assist them.

The report must set out those matters that the parties have agreed on as well as those in dispute. A fact finder may make recommendations regarding any matter that he or she feels is relevant and on any of the items in dispute. The fact finder's recommendations, although not binding on the parties, often narrow their differences, or are accepted wholly or in part by the parties.

It is clear from experience in the years since the passage of the act that fact finding has the potential to assist the parties in reaching a negotiated settlement. The commission and the negotiating parties have generally found it to be a useful process that works reasonably well.

There is a very real danger, however, that parties will misuse or ignore the fact-finding process, thereby contravening the spirit of the act and undermining its effectiveness. The commission has therefore encouraged the parties to use fact finding only if absolutely necessary. The commission's preference is to have the parties settle prior to the point when, under the act, a fact finder must be appointed. Also, the commission has attempted to improve the effectiveness of the fact-finding process and has conveyed to its third parties that a fact finder's report, in order to be useful, must provide concrete suggestions for resolving the substantive and procedural issues in a dispute.

The commission is concerned about the fact that many of the requests for fact finding are being made before very much negotiation has occurred. The mandatory meeting, after notice to negotiate has been given, has too often been merely a formality. Parties may have met only two or three times to outline their positions prior to issuing a request for third-party assistance. It is evident that, in these cases, no real negotiation has occurred – that the parties have not really explored each other's thinking on the issues and are expecting a third party to do the negotiating work for them.

---

**Mediation**

A mediator, defined in section 13 of the act as "a person to assist the parties to make or renew an agreement", may be appointed by the commission at any time, either at the discretion of the commission or at the request of one or both negotiating parties. The commission views mediation as a consensual process between the parties, a process whose success is dependent on the goodwill and co-operation of the parties. Nevertheless, where it is clear that the process of bargaining between the parties is breaking down, the commission will appoint a mediator, to work with the parties towards resolving their differences.

---

**Supervised Votes: Last Offer, Strike, and Ratification**

Under the School Boards and Teachers Collective Negotiations Act, the responsibility for initiating any sanctions rests with the teachers. Prior to any strike activity, teachers must first request (in writing) the board's last offer concerning all matters agreed upon and all matters remaining in dispute. A secret-ballot vote on the board's last offer must then be conducted under the commission's supervision. If teachers reject this offer, a second secret-ballot vote, to determine whether teachers favour a strike, may then be held, again under the supervision of the commission. Any ratification vote ending a strike also must be supervised by the commission. The votes are those of the teachers' own organization, but supervision by the commission is provided to safeguard the public interest.

---

**Lockouts and School Closings**

After a strike action has commenced, a school board may, after rejecting formally the most recent proposal of the branch affiliate, lock out the teachers or close the schools.

---

**Options for Third-Party Resolution**

At any time during negotiations, the parties can agree to choose one of two options for third-party resolution: voluntary binding arbitration or final-offer selection. If a negotiated settlement is reached at any time during one of these procedures, the process is automatically terminated.

**Voluntary Binding Arbitration**

Under voluntary binding arbitration, the parties may refer all matters remaining in dispute to either an arbitrator or a board of arbitration. Within seven days of the appointment of the arbitrator or chair of the arbitration board, each party must submit to the other party, and to the arbitrator/chair, written notice of all matters agreed on during negotiations and all matters remaining in dispute. The arbitrator or board of arbitration is responsible for establishing procedures that give both parties full opportunity to present their evidence and make their submissions. Within sixty days of the appointment of the arbitrator/chair, or any longer period of time



agreed to by both parties, the arbitrator or board of arbitration must provide the parties with a written report of the decision reached. The decision of the arbitrator or board of arbitration is final and binding; the parties are required, within thirty days of receipt of that decision, to incorporate, within a signed agreement, the items agreed to in negotiations and the decision rendered through arbitration.

### **Final-Offer Selection**

Under final-offer selection, each party's final position concerning the items remaining in dispute, together with any supporting evidence, is presented to a selector and to the other party within fifteen days of the appointment of a selector. Each party may then provide a written response to the other party's position, and the selector may hold a hearing.

Within fifteen days of the hearing (or of notice from the parties to dispense with the hearing), the selector must choose one party's final offer in its entirety. This offer is then incorporated into an agreement that also includes those items agreed to by the parties during negotiations.

---

### **Jeopardy**

The purpose of the negotiations between the parties is to make or renew an agreement governing compensation for, and terms and conditions of, the teachers' employment. Where the parties cannot reach agreement and a strike occurs, resulting in a loss of instruction to the pupils, the commission is expected to safeguard the public interest by monitoring the situation to determine whether the continuance of the strike, lockout, or school closing will place in jeopardy the successful completion of courses of study by the pupils affected. If the commission believes that education will indeed be jeopardized, it so advises the government through the Minister of Education.

---

### **Final Note**

School boards and teachers have used the outlined negotiation process effectively to make collective agreements. The process, as befits negotiations in a service such as education, is regulated while at the same time allowing for full and free collective bargaining. In particular, unlike the process for most local government and private-sector employees, this one, by providing for fact finding, supervision of voting, and the jeopardy advisement, protects the public interest, even as it allows teachers the same rights as the majority of other organized employee groups.

## 5. A Brief History of Teacher/School Board Bargaining in Ontario

On July, 18, 1975, legislation granted teachers in Ontario the right to bargain collectively. Prior to the passage of the legislation, which would become known as Bill 100, the Ontario government had proposed a statute that included compulsory arbitration rather than the right to strike. In response to the proposed statute (Bill 275), both teachers' and trustees' organizations, albeit for different reasons, lobbied the government to include the right to strike in the legislation. The right to strike became a priority for teachers because they viewed compulsory arbitration as an ineffective form of dispute resolution. The trustees viewed compulsory arbitration as both an encroachment on their right to manage and an erosion of local board autonomy.

Moreover, those who drafted Bill 100 were convinced by events in the educational sector and in other jurisdictions that strike-prohibiting legislation is not generally effective. In fact, it was (and is) the view of many labour relations experts that legislation prohibiting strikes can exacerbate employer/employee confrontation and adversarial feelings. Because the primary reason for proposing Bill 100 was to introduce some stability and order into the province's teacher/board bargaining, the right to strike was seen as a necessary part of the legislation.

The need for legislation governing teacher/board negotiations was obvious in the early 1970s. Local teachers' federations and associations had been bargaining informally with school boards on salaries and insured benefits for many years. They were now demanding the right to bargain collectively on such issues as working conditions and grievance procedures. Some trustees viewed the collective bargaining process as an infringement of management rights. The net result, in the absence of legislation, was that bargaining took place in a vacuum and that relationships between trustees and teachers were deteriorating on both the individual and the organizational level.

The School Boards and Teachers Collective Negotiations Act, 1975, brought order to this confusion by providing ground rules for collective bargaining. Although the most widely publicized feature of the act was the right to strike, realistic alternatives such as voluntary arbitration and final-offer selection were provided at each step in the bargaining process. Moreover, events leading to a legal strike or lockout were regulated under the act. For example, under the act a strike or lockout is not legal until:

- a fact finder has met with the parties and his/her report has been made public;
- a fifteen-day cooling-off period has taken place after the submission of the fact finder's report to the parties;

- the teachers have voted (by secret ballot in a supervised vote) on the last offer of the school board; and
- the teachers have voted (by secret ballot in a supervised vote) to take strike action.

Other provisions in the act should be noted. Negotiations take place at the school board level between the local teachers' federation(s) and the school board. Separate negotiations are undertaken in the elementary and secondary panels of a board. The scope of negotiations is open; that is, all matters are negotiable. Each collective agreement is deemed to contain a procedure for the binding settlement of disputes arising out of the administration of the agreement, if such a procedure has not been negotiated locally. A strike or a lockout is illegal during the term of the collective agreement.

Finally, the act provided for a five-person commission, the Education Relations Commission, to monitor and assist all local negotiations between teachers and school boards and to administer the act. The commission was given seven specific functions under section 60 of the act:

1. to monitor all negotiations
2. to collect data and provide it to all parties in collective negotiations
3. to assist the parties in their collective negotiations
4. to train third-party neutrals
5. to adjudicate charges of lack of good faith bargaining
6. to supervise last-offer, strike, and ratification votes
7. to advise the Lieutenant Governor-in-Council concerning jeopardy to students' courses of study in the event of a strike and/or lockout

In the first year, there were several confrontations as teacher groups and school boards tested the legislation. In the year after the removal of federal government inflation controls, there were also several strikes. Nevertheless, the process established itself as a framework within which the parties could negotiate. Four years after the passage of Bill 100, the Minister of Education announced in the Legislature the establishment of a commission to review the collective negotiations process between teachers and school boards. This commission (referred to as the Matthews Commission because it was chaired by Dr. B. C. Matthews, then president of the University of Waterloo) submitted its report to the Minister of Education in June 1980. Having analysed the efficacy of Bill 100 during its first four years, the Matthews Commission recommended a small, but significant, set of changes to the act. Because the collective negotiations process was working well, however, no amendment was made to the act.



Teacher/board negotiations were significantly altered when An Act Respecting the Restraint of Compensation in the Public Sector of Ontario and Monitoring of Inflationary Conditions in the Economy of the Province (Bill 179) was legislated. Bill 179, introduced in the Legislature on September 21, 1982, limited compensation increases in the public sector to a maximum of 9 per cent in the first year of the program (the "transitional" year) and 5 per cent in the second year (the "control" year). The legislation removed the right to strike or lock out and also provided for the formation of the Inflation Restraint Board (IRB) to administer the act, and to monitor wage and price increases in the public and private sectors. The transition back to more normal bargaining arrangements occurred in 1984-85.

The next major change came with the decision by the government to permit Roman Catholic separate school board extension beyond Grade 10. The Education Amendment Act (Bill 30) was introduced by the Minister of Education on July 4, 1986. Bill 30 extended full funding to those Roman Catholic separate school boards electing to perform the duties of a secondary school board for the appropriate jurisdictional area.

As noted earlier in this report, forty separate school boards have opted to perform the duties of secondary school boards. The commission decided that these boards should be considered comparable to boards of education with two panels of teachers, so that teachers in the secondary schools of Roman Catholic school boards would have the same rights to negotiate their own agreements that secondary school teachers in boards of education have. This decision was supported by the courts after a challenge from a board. The result has been an increase in the number of bargaining units and collective agreements.

There has also been an increase in the number of French-language bargaining units, as branch affiliates of AEEFO have increasingly opted to negotiate separately. The creation of the Ottawa-Carleton French-Language Board added four more units.

Over the years, school boards and teachers have matured in using the process under the School Boards and Teachers Collective Negotiations Act. Sanctions have been applied in only about 2 per cent of the negotiations. Although there is some feeling that a process closer to that of the Labour Relations Act model should be tried in order to streamline the procedures, it should be recognized that teacher/school board negotiations are considered of special concern to society. That is why there are a variety of dispute-resolution mechanisms in the process, why a fact finder's report is made public, and why votes by the teachers are supervised. Indeed, if there is a

problem in the process, it is that too often fact finding is not reserved, as the act intended, for cases in which an impasse has developed, but instead is resorted to routinely. In some areas, it appears that the parties have become addicted to third-party assistance.

The commission has been fortunate in being able to employ some of the best free-lance third parties in the labour relations business. The Education Relations Commission has, as part of its mandate, trained many people to serve as fact finders and mediators in the educational sector. Indeed, many have become skilled labour relations practitioners able to provide significant assistance in other sectors.

## **6. Appendices**

**A. Statistical Tables**

**B. Statement of Expenditures**

**C. Biographies of Commission Members**



A. Statistical Tables

Table 1: School Boards, Branch Affiliates, and Teachers in Ontario, 1990-91

Board Classification	Number of Boards	Number of Branch Affiliates							
		FWTAO	OPSTF	OECTA Elem.	OECTA Sec.	AEEFO Elem.	AEEFO Sec.	OSSTF	FOPSAT§
Boards of education	76	76	76	-	-	11	18	76	-
Metro Toronto school board*	1	1	1	-	-	-	-	-	-
Roman Catholic school boards**	40	-	-	38	37	29	20	4	-
Roman Catholic separate school boards	9	-	-	9	-	7	-	-	-
Other separate school boards†	10	1	1	5	-	5	-	-	-
Other public school boards	18	18	15	-	-	2	-	-	-
Secondary school boards	1	-	-	-	-	-	-	1	-
Boards on Crown lands and in hospital and hydro centres, and the Provincial Schools Authority	15	14	14	-	-	4	1	3	1
French-language school boards	3#	-	-	-	-	3	3	3	-
<b>Total</b>	<b>173</b>	<b>110</b>	<b>107</b>	<b>52</b>	<b>37</b>	<b>61</b>	<b>42</b>	<b>87</b>	<b>1</b>
Number of Teachers	130 749	40 476	14 592	31 186		6 698		37 464	273

Note: Table 1 includes only boards that operate schools.

\* The Metropolitan Toronto School Board, which operates schools for the trainable retarded, does not operate elementary and secondary schools as such; however, its teachers are members of the elementary school branch affiliates, FWTAO and OPSTF.

\*\* Refers to extended Roman Catholic separate school boards

† Includes one Protestant separate school board

# This number counts the Ottawa-Carleton French-Language Board as two boards.

§ Federation of Provincial Schools Authority Teachers

|| Source: Ontario Teachers' Federation. These figures include all members during the year.

**Table 2: Status of Negotiations, 1990-91**

Board Classification	Not Subject to Negotiation*	Subject to Negotiation
Boards of education – elementary	40	41
Boards of education – secondary	35	47
County and district combined Roman Catholic school boards	38	46
Other school boards	6	33
<b>Total</b>	<b>119</b>	<b>167</b>

\* Concluded a multi-year settlement during a previous year

**Table 3: Number of Fact-Finder Appointments, Reports Released to Parties, and Reports Made Public, 1990-91**

Board Classification	Boards in Which Fact Finder Appointed	Reports Released to Parties	Reports Made Public
Boards of education – elementary	15	13	9
Boards of education – secondary	21	20	17
County and district combined Roman Catholic school boards	19	17	16
Other school boards	3	2	1
<b>Total</b>	<b>58</b>	<b>52</b>	<b>43</b>

**Table 4: Number of Fact-Finder Appointments, Reports Released to Parties, and Reports Made Public, 1976-77 to 1990-91**

Year	Number of Situations Negotiating	Fact-Finder Appointments	Reports Released to Parties	Reports Made Public
1976-77	189	71 (37.6%)	51 (27.0%)	39 (20.6%)
1977-78	210	63 (30.0%)	54 (25.7%)	42 (20.0%)
1978-79	207	114 (55.1%)	95 (45.9%)	69 (33.3%)
1979-80	180	109 (60.5%)	86 (47.8%)	77 (42.8%)
1980-81	132	49 (37.1%)	43 (32.6%)	34 (25.8%)
1981-82	168	50 (29.8%)	37 (22.0%)	29 (17.3%)
1982-83	173	62 (35.8%)	52 (30.1%)	48 (27.7%)
1983-84	178	0	0	0
1984-85	227	130 (57.3%)	108 (47.6%)	92 (40.5%)
1985-86	192	81 (42.2%)	62 (32.3%)	53 (27.6%)
1986-87	190	80 (42.1%)	67 (35.3%)	57 (30.0%)
1987-88	145	50 (34.5%)	31 (21.4%)	27 (18.6%)
1988-89	161	49 (30.4%)	37 (23.0%)	30 (18.6%)
1989-90	166	84 (50.6%)	60 (36.1%)	49 (29.5%)
1990-91	167	58 (34.7%)	52 (31.1%)	43 (25.7%)

**Table 5: Appointment of Mediators, 1975-76 to 1990-91**

Year	Number of Situations Negotiating	Number of Mediators Appointed	Negotiations Conducted with Mediators (per cent)
1975-76	205	51	24.9
1976-77	189	38	20.1
1977-78	210	58	27.6
1978-79	207	72	34.8
1979-80	180	63	35.0
1980-81	132	35	26.5
1981-82	168	47	28.0
1982-83	173	50	28.9
1983-84	178	5	2.8
1984-85	227	96	42.3
1985-86	192	49	25.5
1986-87	190	65	34.2
1987-88	145	31	21.4
1988-89	161	34	21.1
1989-90	166	49	29.5
1990-91	167	52	31.1



Table 6: Assignment of Mediators, 1990-91

Board Classification	Number of Situations Negotiating	No Mediation	Mediation Only	Mediation Pre-Fact Finding Only	Mediation Post-Fact Finding Only	Mediation Both Pre- and Post-Fact Finding
Boards of education - elementary	41	31	-	1	8	1
Boards of education - secondary	47	28	1	2	14	2
County and district combined Roman Catholic school boards	46	24	6	3	13	-
Other school boards	33	32	-	-	1	-
Total	167	115	7	6	36	3

Table 7: Assignment of Mediators, 1976-77 to 1990-91

Year	Number of Situations Negotiating	No Mediation	Mediation Only	Mediation Pre-Fact Finding	Mediation Post-Fact Finding	Mediation Both Pre- and Post-Fact Finding
1976-77	189	151 (79.9%)	7 ( 3.7%)	2 ( 1.0%)	28 (14.8%)	1 ( 0.5%)
1977-78	210	152 (72.4%)	21 (10.0%)	3 ( 1.4%)	24 (11.4%)	10 ( 4.8%)
1978-79	207	135 (65.2%)	9 ( 4.3%)	7 ( 3.4%)	47 (22.7%)	9 ( 4.3%)
1979-80	180	117 (65.0%)	4 ( 2.2%)	3 ( 1.7%)	46 (25.5%)	10 ( 5.5%)
1980-81	132	97 (73.5%)	9 ( 6.8%)	3 ( 2.3%)	21 (15.9%)	2 ( 1.5%)
1981-82	168	121 (72.0%)	16 ( 9.5%)	10 ( 5.9%)	17 (10.1%)	4 ( 2.4%)
1982-83	173	123 (71.1%)	13 ( 7.5%)	20 (11.6%)	14 ( 8.1%)	3 ( 1.7%)
1983-84	178	173 (97.2%)	5 ( 2.8%)	0	0	0
1984-85	227	131 (57.7%)	22 ( 9.7%)	16 ( 7.0%)	48 (21.1%)	10 ( 4.4%)
1985-86	192	143 (74.5%)	8 ( 4.2%)	10 ( 5.2%)	30 (15.6%)	1 ( 0.5%)
1986-87	190	125 (65.8%)	12 ( 6.3%)	23 (12.1%)	30 (15.8%)	0
1987-88	145	114 (78.6%)	7 ( 4.8%)	1 ( 0.7%)	23 (15.9%)	0
1988-89	161	127 (78.9%)	9 ( 5.6%)	2 ( 1.2%)	19 (11.8%)	4 ( 2.5%)
1989-90	166	117 (70.5%)	5 ( 3.0%)	6 ( 3.6%)	37 (22.3%)	1 ( 0.6%)
1990-91	167	115 (68.9%)	7 ( 4.2%)	6 ( 3.6%)	36 (21.6%)	3 ( 1.8%)

**Table 8: Jurisdictions Receiving Either Fact-Finding or Mediation Assistance, 1976-77 to 1990-91**

Year	Number of Situations Negotiating	Fact-Finder Appointments	Mediator Appointments	Total	Negotiations Assisted (per cent)
1976-77	189	71	7	78	41.3
1977-78	210	63	21	84	40.0
1978-79	207	114	9	123	59.4
1979-80	180	109	4	113	62.8
1980-81	132	49	9	58	43.9
1981-82	168	50	16	66	39.3
1982-83	173	62	13	75	43.3
1983-84	178	0*	5	5	2.8
1984-85	227	130	22	152	67.0
1985-86	192	81	8	89	46.3
1986-87	190	80	12	92	48.4
1987-88	145	50	7	57	39.3
1988-89	161	49	9	58	36.0
1989-90	166	84	5	89	53.6
1990-91	167	58	7	65	38.9

\* No appointments as a result of provincial restraint legislation

**Table 9: Supervised Last-Offer, Strike, and Ratification Votes, 1990-91**

Board Classification	Board's Last-Offer Votes	Strike Votes	Ratification Votes
Boards of education – elementary	2	1	1
Boards of education – secondary	9	7	3
County and district combined Roman Catholic school boards	7	6	2
Other school boards	1	–	–
<b>Total</b>	<b>19</b>	<b>14</b>	<b>6</b>

Table 10: Strikes, Lockouts, and Closing of Schools, September 1, 1990, to August 31, 1991

Board	Number of Schools	Number of Teachers in Branch Affiliate(s)	Number of Students Affected	Type of Sanction	Duration of Sanction	How Settlement Reached
Ottawa Board of Education (secondary)*	15	894.4	10 756.0	Work to rule	Sept. 1-3/90 (0 inst. days)	Negotiated with mediation assistance
Lambton County Board of Education (secondary)	7	447.6	6 418.7	Full withdrawal	Oct. 9-22/90 (10 inst. days)	Negotiated with mediation assistance
Lambton County Board of Education (elementary)	41	680.1	11 218.0	Full withdrawal	Oct. 15 - Nov. 23/90 (28 inst. days)	Negotiated with mediation assistance
Dufferin-Peel Roman Catholic Board (secondary)	14	1024.8	16 528.0	Work to rule	Jan. 7-18/91 (10 inst. days)	Negotiated with mediation assistance
Peterborough County Board of Education (secondary)	8	491.2	6 321.3	Full withdrawal	Mar. 6-25/91 (9 inst. days)	Negotiated with mediation assistance
Stormont, Dundas & Glengarry County Roman Catholic School Board (secondary – AEFO)	2	109.1	1 459.0	Full withdrawal	Apr. 9 - May 21/91 (28 inst. days)	Negotiated with mediation assistance

\* Continued from 1989-90 negotiating year



**Table 11: Agreements Reached by Voluntary Binding Arbitration or Final-Offer Selection, 1990-91**

Board Classification	Agreements Reached by Voluntary Binding Arbitration	Agreements Reached by Final-Offer Selection
Boards of education – elementary	–	–
Boards of education – secondary	–	–
County and district combined Roman Catholic school boards	–	–
Other school boards	–	–
<b>Total</b>	<b>0</b>	<b>0</b>

**Table 12: Appointments Concerning Grievance Arbitrations, 1990-91**

Board Classification	Number of Appointments by ERC	Nature of Appointments
Boards of education – elementary	–	
Boards of education – secondary	2	1 – single arbitrator 1 – chair
County and district combined Roman Catholic school boards	1	1 – single arbitrator
Other school boards	–	
<b>Total</b>	<b>3</b>	

**Table 13: Appointments Concerning Grievance Arbitration, 1976-77 to 1990-91**

Year	No. of Appointments by ERC
1976-77	9
1977-78	13
1978-79	13
1979-80	8
1980-81	14
1981-82	3
1982-83	3
1983-84	7
1984-85	8
1985-86	10
1986-87	8
1987-88	8
1988-89	5
1989-90	7
1990-91	3

**Table 14: Good Faith Bargaining, 1990-91**

Complainant	Respondent	Disposition
Branch affiliate of OECTA	Dryden District Roman Catholic Separate School Board	Withdrawn
Branch affiliate of AEFO and OECTA (elementary)	Welland Roman Catholic School Board	Resolved
Branch affiliate of OECTA (secondary)	Hamilton-Wentworth Roman Catholic School Board	Resolved
Branch affiliate of OECTA (elementary)	Stormont, Dundas and Glengarry County Roman Catholic School Board	Withdrawn

**Table 15: Duration and Termination Dates of Settlements Concluded in 1990-91**

Board Classification	Not Settled	1 Year Aug. 31/91	2 Years Aug. 31/92	3 Years Aug. 31/93
Boards of education - elementary	1	13	27	-
Boards of education - secondary	1	14	32	-
County and district combined Roman Catholic school boards	-	11	33	2
Other school boards	-	14	18	-
<b>Total</b>	<b>2</b>	<b>52</b>	<b>110</b>	<b>2</b>

**Table 16: Information Requests by Client Group, 1988-89, 1989-90, and 1990-91**

Client Group	1988-89		1989-90		1990-91	
	No.	%	No.	%	No.	%
School boards/provincial trustee associations	381	( 37.1)	544	( 32.1)	491	( 32.7)
Branch affiliates/provincial teacher associations	321	( 31.2)	455	( 26.8)	426	( 28.5)
Third parties	135	( 13.1)	183	( 10.8)	182	( 12.2)
Other clients	191	( 18.6)	515	( 30.3)	398	( 26.6)
<b>Total</b>	<b>1028</b>	<b>(100.0)</b>	<b>1697</b>	<b>(100.0)</b>	<b>1497</b>	<b>(100.0)</b>



**B. Statement of Expenditures**

**Expenditures: April 1, 1990, to March 31, 1991**

Categories	Budget Allocation (dollars)	Actual Expenditures (dollars)
Salaries	803 800	797 511
Employee benefits	133 700	142 058
Transportation and communications	248 200	108 380
Services	529 000	561 065
Supplies and equipment	112 200	83 276
<b>Total</b>	<b>1 826 900</b>	<b>1 692 290</b>

## C. Biographies of Commission Members

**Chair:** Paula Knopf, B.A. (University of Toronto), LL.B. (University of Toronto)  
Ms. Knopf joined the commission as Chair in February 1991. She graduated with a B.A. from the University of Toronto in 1972, and an LL.B. from Osgoode Hall Law School in 1975. Upon her call to the Ontario Bar in 1977, she practised law with a Toronto law firm briefly before commencing her own private practice with emphasis in the area of labour relations. A former member of the faculty of Osgoode Hall Law School, Ms. Knopf is an experienced fact finder, mediator, and arbitrator.

**Vice-Chair:** David Allan Hayes, B.A. (McMaster University), M.Ed. (University of Toronto)

Mr. Hayes is a retired educator. He has served as a supervisory officer with the Lincoln County Board of Education, both as a superintendent of curriculum and as an area superintendent. As a supervisory officer, Mr. Hayes developed and implemented a complete evaluation system for all teaching and supervisory personnel, and special programs to assist general level students and reduce the dropout rate among secondary school students. Mr. Hayes also developed a complete curriculum design, implementation, and review program for all Kindergarten to Grade 13 programs and a co-operative professional development program for teachers.

**Commissioner:** Trèva Legault Cousineau, B.Sc. (H.Ed.) (University of Ottawa), R.P.Dt.

Mrs. Cousineau was co-ordinator of French-Language Services for the Ministry of Community and Social Services, North Central Area, and a member of the board of governors of Cambrian College, Sudbury. She has served as chair and vice-chair of the Timmins District Roman Catholic School Board, member of the Commission on the Financing of Elementary and Secondary Education in Ontario, chair of the Ontario School Trustees' Council, and member of the Ministry of Education's Committee on Special Education and Advisory Council on the Role of the Trustee.

**Commissioner:** *William John McNeil, B. Com. (University of Toronto)*

Mr. McNeil has had fifteen years' service as a teacher and vice-principal in North York and fifteen years' service as a field officer with the Ontario Secondary School Teachers' Federation. His past positions include president of District 13 of the OSSTF, governor of the Ontario Teachers' Federation, advisory board member of the provincial executive of the OSSTF, and former trustee of the Ontario Teachers' Insurance Plan. He is currently enrolled in the master's degree program in industrial relations at the University of Toronto.

**Commissioner:** *John Irwin Zeiler, B.A. (University of Toronto), LL.B. (University of Toronto)*

Mr. Zeiler is a partner in the law firm of Leve and Zeiler, whose practice includes real estate and corporate, commercial, and estate work. He was the solicitor for the developer who registered the first condominium in Ontario. Mr. Zeiler has taught for the Ontario Real Estate Association, the Appraisal Institute of Canada, and more recently in the Department of Administrative Studies at York University, where he lectures in real property law and negotiations.







